

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

BENNY SARMIENTO

V.

ROBERT ARMOUR, ET AL.

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C.A. NO. C-05-008


ORDER DENYING MOTION FOR EXTENSION OF TIME

This is a civil rights action filed by a prisoner pursuant to 42 U.S.C. § 1983. Pending is plaintiff's motion for an extension of time. (D.E. 15). Specifically, plaintiff seeks an extension of 90 days to answer the defendant's answer to the complaint (D.E. 12).

Typically, "[t]here shall be a complaint and an answer; No other pleading shall be allowed except that the court may order a reply to an answer or a third-party answer." Fed. R. Civ. P. 7(a). Here, the defendants have not sought a reply to their answer. Moreover, there does not appear to be a basis for it. See generally Todd v. Hawk, 72 F.3d 443, 446 (5th Cir. 1995).

As plaintiff's motion for an extension of time to answer defendant's answer is unnecessary, (D.E. 15), it is DENIED.

ORDERED this 25th day of May 2005.


BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE